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International Court of Justice

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Official Transcript of the International Military Tribunal in the Matter of the United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 17 May, 1946, 1130-1300, Lord Justice Lawrence Presiding.

THE PRESIDENT: The Tribunal have given careful and prolonged attention to the consideration of the documents offered by Dr. Siemers on behalf of the Defendant Raeder; and they, therefore, do not wish the documents which they propose to admit to be read, because they have already read them all.

I will now deal with the documents individually.

Document 66 is admitted for the purpose of argument, and not as evidence.

Document 101 is denied.

Documents 102 to 105 are admitted.

Document 106 is denied.

Document 107 is admitted.

Document 39 is denied.

Document 63 is admitted.

Document 64 is denied.

Document 99 is denied.

Document 100 is admitted.

Documents 102 and 107 are admitted.

Document 38 is denied.

Document 50 is denied.

Document 55 is denied.

Document 58 is denied.

Documents 29, 56, 57, 60, and 62 are denied.

I should have included in that group Document 28, which is also denied.

Documents 31, 32, 36, 37, and 39 are denied.

Document 41 is admitted.

Document 99 has already been denied, and document 101 has already been den

Document 59 is admitted,

Document 68 is denied.

Document 70 is denied.

Document 72 is denied.

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Document 74 is denied.

Document 75 is admitted.

Document 77 is admitted.

Document 79 is admitted

Document 80 is admitted.

Document 84 is admitted.

Document 85, which is on page 82 of Volume 5, is admitted.

Document 87 is denied.

Document 88 is admitted.

Document 91 is admitted.

Document 13 is admitted.

Document 27 is admitted.

The Prosecution may, if they wish it, apply to cross examine the witness who made that document.

THE TRIBUNAL (Mr. Biddle) That is Admiral Boehme.

THE PRESIDENT: Admiral Boehme, yes.

Document 83 is admitted.

Document 34 is admitted.

Document 48 is denied.

Have I gone too quickly for you, Dr. Siemers? You have the last few?

DR. SIEMERS: Yes, I heard everything.

MR. DODD: Mr. President, yesterday afternoon the Tribunal asked that we ascertain the origins, if possible, of Document 1014 PS. Some question was raised about it by Dr. Siemers, It is U.S.A. Exhibit No. 30.

I have had a search made, and I have some information that we are prepared to submit concerning this document.

I should like to point out that 1014 PS and 798 PS and L-3 are documents all concerning this same speech made at Obersalzberg on the 22nd of August, 1939. They were offered in evidence by Mr. Alderman of the American Staff on the 26th day of November, 1945.

I should like to point out that L-3, to which Dr, Siemers made reference yesterday, was offered only for identification, as the record shows, for the proceedings of that day on the 26th of November, and has received the mark U.S.. Exhibit No. 28 for identification only. Mr. Aldermann pointed out, as appears i:

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the record, that he was not offering it in evidence, that it was a paper which came into our hands originally through the services of a newspaperman, and that later on, the documents 798 PS and 1014 PS were found among captured documents. They referred to the same speech in Obersalzberg. Mr. Aldermann offered those two at that time.

Now Document 789 P.S, U.S.A. 29, and Document 1040 P. S., U.S.A. 30, were both found by the forces of the United States in this fashion:

They had been taken from the O. K. W. Headquarters in Berlin and in the course of various journeys in those days, before they finally arrived at any one place, they were stored at various places by the O. K. W., under the control of General Winters of the German forces, and they were transported in three railway trains to Solfelden in the Austrian Tyrol. Subsequently, General Winters ordered that all documents in his possession be turned over to the Allied forces and they were, and these particular documents, together with other papers were turned over by General Winters and his staff, and on the 21st day of May, 1945, they were removed from Solfelden from under the control of General Winters and taken to the third U.S. Document Center at Munich, and while at Munich they were catalogu ed by Department G-2 of the American Expeditionary Forces with the assistance of Clerks from the O. K. W. and O. K. H., and on the 16th of June, 1945, these documents, with others, were removed by six trucks from the Headquarters of the Third Army at Munich, and were taken to the U.S. Group Control Council No. 32 at Seckenheim, Germany, which was located in the former offices of the I. G. Farben Company, and were placed on the third floor of the building and kept under guard between the 16th of June, 1945 and the 30th of August, 1945.

The task of collecting, assorting and assembling and cataloguing these documents was carried out under the supervision of the British Colonel Austin, with personnel of the Supreme Court and the G-2 Document Division of the Intelligence Section, 6889 Berlin Document Section and the British Enemy Document Unit and the British Military Intelligence Research Section, beginning from the 5th day of July,1945, and continued until the 30th of August, 1945.

These documents were screened at this place by members of the staff of the United States Chief Counsel, and Lieutenant Margolis who is here in the court room, and members of his staff, personally picked these documents out of our file 789 P. S. and 1040 P. S. from the captured files, and locked them in the document room where they have been kept under strict security ever since.

Now, that is the history of these documents about which Dr. Siemers raised a question yesterday, a considerable questinn, and inferred there was something strange about their contents, and I think the statement as given over

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the signature of Lieutenant Commander Hofer? clearly establishes the source and where they have been ever since, and I think it is only fair to say that since Dr. Siemers pointed out this language as having been extremely harsh and which was attributed to Hitler, these documents show they were actually talking about aggressive war, and the reading of the documents by the Tribunal will show they are in accordance with the purpose for which they wereoffered, which was to show these people were talking aggressive war, and I might say I am not surprised to find my friend is sensitive about the language, but I think the actual proof in the case thus far shows that not only were these things said but they were done.

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M. DUBOST: May it please the Court. No doubt it is a mistake in translation. We understood Document 106 had been rejected the first time.

THE PRESIDENT: I did not hear the number.

M. DUBOST: We understood 106 had been rejected the first time and admitted a second time in the group 102 to 107.

THE PRESIDENT: I am afraid it was my mistake. I did say that the group 102 to 107 were admitted, but I have also said 106 was rejected and it is rejected. It is entirely my mistake. 106 is rejected.

MR. DUBOST: 106 is thrown out and 102 to 107 are also rejected are they?

THE PRESIDENT: No, I will state the exact number: 103, 104, 105 and 107 are admitted.

M. DUBOST: Very good. Mr. President, we want to offer further explanations on 102 to 107 during the course of the proceedings.

DR. SIEMERS: Mr. President, may I say just one other thing concerning the statement made by Mr. Dodd?

I had no doubt, and, of course, have no doubt now either that the way these documents were handled since they were found was absolutely correct. and Mr, Dodd spoke only about that, but what I believe is important is the following:

Whether one can find out in what connection these documents were with other documents, because from that only one can say whether these were documents belonging to a certain Adjutant. For instance, were they together with the Hossbach papers or together with the Schmundt file. If the documents, for instance, were together with the Schmundt documents it is a probability it was from the Adjutant.

THE PRESIDENT: That all goes to the weight of the document, doesn't it. No doubt, a document which is signed has more weight than a document which is not signed. All of those matters the Tribunal will take into account when considering the documents, but the admissibility of the document depends upon it's being a German document found and captured.

DR. SIEMERS: Mr. President, I only want to say this, because I am sorry if the American Delegation misunderstood my motion concerning the document. I am not reproaching the manner in which the document was handled or found, but I am only

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doubtful among which papers it was, and it came to my attention that Mr. Dodd treated the three documents concerned in quite the same way today as Mr. Alderm on page 188 of the transcript said that none of these documents on account of it's doubtful origin, and apparently that is the three, and therefore, refused that document.

May I, then if it please the Court, continue with the examination of the defendant Raeder?

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BY DR. SIEMERS:

Q Grand Admiral, we have a few last questions concerning the conspiracy. I believe we can finish with the questions entirely. I ask you to look at the Document C.155. That is G. B. 214. In document book 10, page 24, the document of the British Delegation, page 24. It is your handwriting of the 11 June 1940, and a letter which was sent to 74 Navy officers and which the Prosecution has called a document of justification. The Prosecution wants to deduct from that that already in the summer of 1933 you knew that a war was to be expected. I should like you to speak very briefly.

A There is manifold proof to show that I was not expecting a war until the fall at all, and in view of the small extent of rearmament of Germany was quite natural. I have mentioned that in my speech before the U-boat officers clearly and distinctly that we could not count on it.

Q And what was the cause for that writing, for that letter?

A The cause was that a number of torpedo boats had occurred which had to be explained by the fact that also these torpedoes were not quite perfectly developed such as it should be at the beginning of a war, would have to be at the beginning of a war. And furthermore, the cause was that the officers, now that the war has broken out, believed, many of them did so, that it would have been more correct if first the submarine forces should have been developed as strongly as possible so that this weapon at least should be ready in case a war should break out at the earliest possible moment; and I objected to that opinion, and with the reason that we did not have to expect such a war. And on Page 3, 8th paragraph, I emphasize again that, as you find it in the second line, the Fuehrer hoped until the end to avoid or postpone the menacing dispute with England until 1944 or 1945. I emphasize here I am speaking of a menacing dispute. The menace of a dispute is something one doesn't at all desire. We were rather afraid of it.

Q There is another key document, that is, 789 P.S., U. S. 23, the very long speech made by Hitler on the 23rd November '39 before the commanders in Chief.

DR. SIEMERS: The document, Mr. President, is in document 10-A on page 261. 261, Book 10-A. Again this is the Hitler speech of which one doesn't know who recorded it, and just as with the other documents, I do not have to speak about that point; signature and date, that is.

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BY DR. SIEMERS:

Q I only would like to ask you, did that speech also have a definite background, a definite thought of Hitler, behind it?

A Yes. There was at that time a severe conflict between Hitler and the Commander in Chief of the Army, and a difference of opinion also with the leading Generals concerning the offensive under way, and the Fuehrer assembled all the various leaders in order to give them his opinion about all these matters. He explained -- and I was present myself -- that up to that time he had always been right in his decisions, and also with that opinion, that if an offensive had to be started in the fall it would be correct; he had been proved correct. Again, he used very harsh words, and in the third paragraph towards the last of the document "I shall destroy everyone who is against me." And that was directed against the generals.

The western offensive took place in the Spring, in fact, because bad weather delayed it.

Q We have heard details about that during a previous proceedings and we do not have to go into that now. Then, and in the same connection, we come to the last document, that is, C. 126, which you have also in front of you, G. B. 41 in the document book 10-A on page 92, concerning the preparation of the war against Poland. The Prosecution has submitted their document of the 22nd June 1939 of the High Command of the Armed Forces signed by Keitel because that document contained a time-table for the war against Poland. Did that document or that directive contain or show to you a definite intention, aggressive intention?

A No. A definite intention of aggression not at all. But certain questions had to be cleared up, certain long range questions, such as, for instance, whether our

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training ships which used to go out and put to sea in summer should put to sea or whether they should await that decision, which should be made in the beginning of August. And in connection with that order I issued the order pertaining to that document of the 2nd August to the individual higher Navy officer; that is an operative decree, for the use of Atlantic submarines in the Case Weiss; and I may be permitted to read the first lines, because the wording is important "Attached are operational directions for the employment of U-boats which are to be sent out to the Atlantic, by the way of precaution, in the event of the intention to carry out "Fall Weiss" remaining uncharged. Flag Officer of U-boats in handing in his Operation Orders to SLK by 12 August. A decision on the sailing of U-boats for the Atlantic will probably be made at the middle of August. These directions must, if the Operations are not carried out, be destroyed by the 1 September 1939 at the latest. "

So it was definitely not sure whether such operations would take place because it was a precautionary measure which had to be taken under all circumstances according to directive for the Case Weiss.

Q Admiral, you have said that Hitler assured you, and that you spoke to him personally, that there would not be a war, particularly a war against England.

A Yes.

Q Now, then, on the 3rd September '39 war with England came about. After that -- and if so when -- did you speak then with Hitler about that question?

A On the 3rd of September in the morning, I believe about 11 -- I cannot remember the exact hour I was called into the Reichschancellery -- the S.K.N. had informed me already that the ultimatum had been received from England and France and I came into the study of the Fuehrer where a number of persons were assembled. I still remember that Deputy of the Fuehrer Hess was present. I could not say who else was there. But I noticed particularly that Hitler was embarassed in speaking to me when he told me that against all of his hopes, now war against England was imminent, since the ultimatum had been received. It was an express embarassment such as I had never noticed from Hitler.

Q I come now to the approach made by the Prosecution, the accusation that you, Admiral, agreed with National Socialism and sponsored it greatly.

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DR. SIEMERS: May I also be permitted to sak the Tribunal to look at Document D.481, which is G.B 215 in Document Book 10, Page 101.

BY DR. SIEMERS:

Q That deals with the oath of civil servants and the oath of soldiers. Th Prosecution with reference to this document has explained that you, Admiral, on the 2nd of August '34 and with special ceremonies, took an oath on Adolf Hitler, and not the nation. In the protocol, that is the transcript 2719, the English transcript 2719, the German transcript 2791, we read:

"The Tribunal will see that Raeder in his oath put the Fuehrer in the place of his country".

That I do not understand and I will ask you to explain, to tell me whether i it is correct that you -- or whether you had any part in changing of the oath fro country to Hitler.

A No. I cannot understand that accusation at all. The entire matter was not particularly a ceremony and I cannot understand who could have observed it so that he could make a statement like that. The Commander in Chief, von Blomberg, the three commanders of the branches, and I, in the morning of the 2nd August, were called to Hitler; we were in his study; and Hitler asked us to come to his place without any ceremony, and there we took that oath which he as Chief of State and Supreme Commander of the Armed Forces read to us. We repeated that oath. None of us participated in the writting of that oath. Nobody asked us to do so. It would have been quite unusual. The oath referred to the person of Hitler It had never been an oath to the country as far as the words were concerned, but once I took an oath on the Kaiser as Supreme War Lord, one oath on the Weimar Constitution, and the third oath on the person of the Chief of State and Supreme Commander of the Armed Forces -- Hitler. In all three cases I took the oath on my people, my country. That is a matter of course.

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Q Admiral, when you were ordered to that meeting on 2 August, did you know before what it was to deal with?

A Well, I should assume so, that through the Adjutant's Office information had been sent to my Adjutant that I should come there and that it would have to do with the taking of the oath; but I could not state with certainty now, I shoul assume so.

Q It was the morning after the death of Hindenberg?

A Yes.

Q On the day after the Death of Hindenberg?

A Yes.

Q Did you know about the wording of the oath?

A No, but it was written on a piece of paper and I should assume that we were informend about the wording before, at the desk there.

DR. SIEMERS: May I say at this moment, Mr. President, that the wording is contained in the document that I have mentioned and it is a Reich Law. The Prosecution asserts that on 30 January, 1937, you became a party member by receiving the Golden Party Emblem. Would you speak briefly about this point which we have discussed in otherrcases before?

A When the Fuehrer gave me the Golden Party Emblem he said, specifically, that this was the highest decoration which he could give at the time. I could not become a party member at all because it had been stated that soldiers could not be members of the Party. That was generally known and therefore that assertion cannot be understood.

Q The membership of soldiers was prohibited by the constitution?

A Yes. May I say one more thing about it. It was prohibited both by the Weimar Constitution and also according to the decrees which Hitler had issued.

Q Were you in opposition to the Party on account of your Cristian and clerical ideology, which was very well known, and how did that work out? Did you have any difficulties with the Party on account of that?

A Generally, I had no more difficulties with the Party, which I think is best explained by the fact that the Navy had a suitable amount of prestige in the Party, such as this, in Germany. Frictions which occured were always taken care of by higher officers in cooperation with the respective Party officers. If they were more important they came to my attention and I took care of them;

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if they only dealt with matters of principle I passed them on to the O.K.W. Since I never let anything slip through in case it had been started by the Party, the entire relation soon worked out very well and I could prevent all sorts of friction, so that soon none of them occured. In that respect, we were at an advantage in the Navy because there were no territorial questions. We were concerned with the sea and only in the coastal cities, port cities where practically everything was concerned with the Navy. I had difficulties, and that is essential, through the personality of Heydrich, whom I had to remove from the Navy in 1929 after an Honor Court had sentenced him for bad treatment of a young girl. That he held against me for a long time and he has tried several times, on various occasions, to denounce me with the leadership of the Party, and even the Fuehrer; but I could always counteract these attacks so there were no consequences for my relations in general. This attitude of Heydrich inflicted itself also on Himmler, so that here also, from time to time, I had to write a rather strong worded letter; but just the strong wording of these letters, in most cases, served as a remedy. I should not like to waste any more time by mentioning details, such as the one with the SD, but a direct attack on account of my position to the Church did not occur. There was only the statement made by Goebbels which I found out about through my co-defendant, Hans Fritsche, that I was disfavored with the Party on account of my attitude to the church; but, as I have said, they did not make me feel it in any disagreeable way.

Q. I believe the emphasis on clerical things which you expressed intthe Navy does not need any more explanation here by me. I will submit the affidavit without reading it. It was made by Navy Chaplain Monneberger, who described it, and that will clarify a great deal. In that connection, however, may I put one question: To Hitler, did you also emphasize that a clerical attitude was necessary of the soldiers of the Navy?

A. Yes, that was done frequently, and I kept this course in the Navy until the end without hesitation.

DR. SIMMERS: In this connection, I want to submit Raeder Exhibit No. 121. It is in my document book Raeder No. 60, page 523. I should not like to bother the Tribunal by questioning about the disputes in clerical matters between the Party and the Navy and their contrasting views. I believe that by this document it is made clear enough that a relation between church and National Socialism

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was not possible. In this field Bormann is the most outstanding figure, and of the expose which I have submitted I should like to read only the first paragraph "National Socialistic and Cristian concepts are incompatible. Cristian churches are built on the ignorance of men and make it their business to preserve the ignorance of as extensive part of the population as possible, as only in this way can the Cristian churches maintain their power. In contract to this, National Socialism rests on scientific foundations."

The second paragraph, the last sentence: "If therefore in the future our young people do not learn anything more about this Cristianity, the teachings of which are far below our own, then Cristianity will disappear of itself."

And, on the second page: "Just as the harmful influence of astrologers, soothsayers and other swindlers must be eliminated and suppressed by the State, so the possibilities for influence by the Church must also be entirely removed. Only when this has happened, will the State Leadership have full influence over the individual citizen. Only then will people and Reich be assured stability for all time."

Since it is generally known what the clerical attitude of the defendant was I believe this is enough to show the contrast between the Party and the Defendant in these matters.

BY DR. SIEMERS:

Q Concerning conspiracy, the defense has also accused you that you belonged to the Secret Cabinet Council and the Defense Council. Will you please answer quite briefly, because these questions have been discussed so widely that I assume that nobody in this court will hear anything new about these things. Were you a member of the Reich Government?

A No.

Q According to Document 2098 PS. which is GB 206, Document Book 10, Page 39, a decree of the Fuehrer of 25 February, 1938, according to that decree you were given the same rank as a Reich minister, such as the Commanders-in-Chief of the Army?

THE PRESIDENT: Is it 10 or 10-A?

DR. SIEMERS: 10.

THE PRESIDENT: 39 is a translation of C-170.

DR. SIEMERS: I beg your pardon. I just hear from Sir David that it is 89,

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Q According to this you and the Commander-in-chief of the Army were equal in rank to the Reich Ministers. The Prosecution asserts that therefore you were a member of the Cabinet and were permitted to participate in the meetings and did participate, is that correct?

A No. I was not a Reich Minister, but only equivalent in rank, and the reason that I believe until Keitel was made equal in rank with the Reich Minister because in the execution of the activities of the War Ministry he had very much to do with them and had to be on the same level with them in order to negotiate. And since Brauchitsch and myself were senior in rank to Colonel General Keitel we also received the same rank. I was not a member of the Cabinet at all. But it says in that directive that on the order of the Fuehrer I could participate in a Cabinet meeting. The intention probably was that when technical matters had to be explained I could come to the Cabinet; but it never occured, since after that time there were no Cabinet meetings.

Q May I point out that it says here in paragraph 2 of that decree by Hitler "Following my orders he shall participate in the meetings of the Reich Cabinet."

A And as far as the secret Cabinet Counsel id concerned, I can only confirm that such as Hitler told me himself, that Secret Cabinet Council had only been formed in order to create some position for the Foreign Minister, von Neurath, who was leaving, and in order to retain the impression abroad and at home that von Neurath also will be consulted in foreign policy; but that Secret Cabinet Council never met.

Q The Prosecution has accused you that on the 12th of March, 1939. you gave a speech and that during that speech you mentioned the ruthless challenge of Bolshevism and International Jewry.

(Addressing the Tribunal) May I state, if it please the Court, that unfortunately that speech has been quoted by the Prosecution only in an excerpt which was selected under a certain point of view, and I believe that it would be well to know the entire speech. Of course, I shall not read it. But I should like to submit it as Raeder Exhibit No. 46. In the document book, in my document book, No 30, page 228. On page 235 there is the sentence against which the Prosecution has objected --

THE WITNESS: May I in doing so quote a few short sentences which will ch characterize the entire speech?

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Q I have no doubt that the Tribunal will permit that. I only ask you to use only a few significant sentences, such as the Prosecution have done.

A On page 7, line 6, it says --

Q Excuse me. That is on page 235, the same page on which the quotation of the Prosecution is set out.

A Shortly before the quotation of the Prosecution we read line 6:

" He has returned self-confidence and confidence in their own ability to the German people and thereby enabled them to retake, out of their own strength, their divine right refused to them during the time of their weakness and, beyond that, to approach

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with courage the tremendous present problems and to work on their solution. Thus the German people and the Fuehrer have done more for the peace of Europe and of the world than some of our neighbors are able to recognize today."

Then we come to the sentence where I speak about the announcement of the fight against Bolshevism and international Jewry which has been quoted by the Prosecution, and I should like to state briefly in connection with that, after the experience during the years 1917 to 1919 Communism and international Jewry had undermined the resistance, had destroyed the resistance of the German people in a considerable measure and had gained an unproportionately large influence in German affairs, and as far as the nation and state were concerned and as far as economy and justice were concerned. According to that, in my opinion one could not be surprised that the National Socialist Government tried -- wanted to see that this large and fateful influence should be loosened and finally removed. If now the National Socialist Government in pursuing this course took rather severe steps which led to the Nurnberg Laws, the exaggerations of which I regretted, of course, I still could not in the course of the speech which I held upon orders of the State Government before the public, I could not express any opinions which were principally different on that occasion. As much, of course, as I could find it compatible with my conscience. I also had to think about the fact that such a speech had to fit into a certain frame. That, however, was only one short sentence, whereas other points were considerably more in the foreground. In that connection I ask for permission to read two more short sentences:

"And this is the reason for the demand for equal rights and equal respect with all other people s which alone can guarantee peaceful living together of the nations with each other in this world."

Then the last sentence, on page 235:

"The Fuehrer within the framework of the German community of people has assigned our tasks to us soldiers as protectors of our homeland and our peaceful national reconstruction, as educators of the young men fit for military service who pass through our hands as one body."

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The next sentence was quoted by the Prosecution, because there I spoke about the fact that we should not only have to give technical education to these young people but also educate them in the sense of National Socialist ideology, that we had to march shoulder to shoulder with the Party.

I have always stated the opinion that the Armed Forces could not be a foreign body in the State, so that in a monarchic state there could not be a republican Armed Forces or in a democratic State a monarchistic Armed Forces. And thus our Armed Forces had to be coordinated into the National Socialist State, to the extent that it would be necessary to create a real people's community, gemeinschaft, and therefore it was a task of the commanders of the Wehrmacht, of the Armed Forces, to educate their branches of the Forces in such a way that the good National Socialist ideals of National Socialism should be understood and appreciated and that they should live accordingly and act accordingly, just in the same way as I did it as Supreme Commander of the Navy. In this manner it was possible to coordinate theArmed Forces correctly, to keep all exaggerations from it, but at the same time to assure the forming of a people's community within the State.

And then on the bottom of page 236:

"This nation needs a new, true peace -- of justice and honor; a peace without hatred. The world also needs such a peace, because a weak Germany could not obtain such a peace, a strong one won it for herself. It is a proud task of the German Wehrmacht, Armed Forces, to secure this peace to the German nation against everybody."

And quite at the end of the document, the 11th or 12th line from the bottom of the page:

"But the soldier over there whom we respect as the chivalrous representative of his country may accept a soldier's word: What Germany needs and wants is peace!"

That was not only said like that but also proved by practical examples. The construction work of Germany requires a long -- full -- years of quiet development.

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Q I believe that that is sufficient.

DR. SIEMERS: May I point out to the High Tribunal that in the English translation, on page 236, as far as I remember, one sentence was underlined. That is: "Thus, Wehrmacht and Party become one indivisible entity." The Prosecution has submitted that. Other than that, nothing is underlined. In reality, in the original, many other passages are underlined, particularly those sentences which Admiral Raeder has just read which deal with peace.

BY DR. SIEMERS:

Q Admiral, the Prosecution has accused you in relation with all the political acitivities of National Socialism. Therefore, I am compelled to ask you briefly concerning your participation in actions in those countries where one would certainly be surprised to hear of any participation by the navy.

In what way were you connected with the measures concerning the annexation of Austria?

A The Navy had nothing to do with the Anschluss of Austria at all. It did not take part in any way.

Q Did you make any preparations?

A No. In the case of Austria, no preparations were needed. The case of Austria was mentioned in Document C-157, but that dealt only with the directive for the unified preparation of the armed forces for war.

DR. SIEMERS: May I point out that that is US 69, in the document book of the British Delegation, 10-A. The Prosecution stressed this document.

A It deals with a list, which, according to my knowledge, is made in every state for every year, according to the political situation, of those cases which in the course of the year may arise and for which, of course, certain preparation have to be made. For the navy, however, that document had no consequences as far as Austria was concerned.

THE PRESIDENT: I am not sure that we have the reference to that right. It came through, I thought, C-157, US 69, 10-A, and then I did not get the page.

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DR. SIEMERS: Page 117.

THE PRESIDENT: Is that C-157 or 175?

DR. SIEMERS: C-175.

BY DR. SIEMERS:

Q Therefore, are we concerned here with the continuous preparations for various eventualities?

A Yes; that is, cases mentioned here, for instance, th Rot and the special case, Case Gruen. All these had to be dealt with, without their having to have any consequences.

DR. SIEMERS: Mr. President, in that connection I wanted to submit various documents, Raeder exhibits, from which it can be seen that the same type of preparations, being necessary for strategic reasons, were also undertaken by the Allies--only to show the necessity. At this moment I should like to forego that because I can not determine so quickly which one of these documents are approved and which ones are admitted and which ones have been rejected. May I do that in the end, in order that no misunderstanding may occur now by my stating the wrong figures?

DR. SIEMERS:

Q In what way did you and the navy participate in measures concerning the Sudetenland? May I ask you to look at the document of the Prosecution 388-PS.

DR. SIEMERS: It is US 126--No, excuse me--US-26. It can be found in the document book of the British Delegation, 10-A, page 147. It is a draft for a new directive Gruen of 20 May 1938.

A Yes, I have the directive right here. It is of 20 May 1938 for the Navy.

"The Navy participates by the use of the Danube flotilla in the operations of the army. That flotilla is put under the command of the Supreme Commander of the Army. As regards the conduct of naval warfare, at first only those measures are to be taken which appear to be necessary for the careful protection of the North Sea and the Baltic against a sudden intervention in the conflict by other states. These measures must be confined to the absolutely necessary and have to be carried out independently."

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The entire course of action at the end of September and beginning of October made the special measures unnecessary, so the Danube flotilla, which we had taken over from Austria, was put under the command of the army.

Q What was the size of the Danube flotilla?

A It consisted of some river craft, one gun boat, a small one.

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Q In what way did you and the navy participate in the preparations for the occupation of the remainder of Czechoslovakia, asit is said in document C-136, US 104, document book of the British delegation, page 101. It is of 21 October 1938, and the Prosecution points out that, according to that, in October you had already been informed about Czechoslovakia; that is, in March, as it really happened -- that it was supposed to be occupied. Will youplease tell us something about that?

A That direction at first looks suspicious, but the manner in which it is drafted shows that that again is for eventualities. Point One is the securing of the border on the frontiers of Germany and protection against surprise air attacks.

Points Two and Three are liquidation of the remainder of Czechoslovakia and occupation of the Memel land.

Number Two, on the liquidation of the remainder of Czechoslovakia, contains as its first sentence:

"It must be possible to smash at any time the remainder of Czechoslovakia if her policy should become hostile toward Germany."

That is the prerequisite for any action against Czechoslovakia, and therefore, it was not sure at all.

In the same manner, under Number Three, mention is made of the occupation of the Memel Land where it says:

"The political situation, particularly complications between Poland and Lithuania, may make it appear desirable that the German armed forces should occupy the Memel Land."

DR. SIEMERS: May I point out that, according to my document, this part that the witness has just read is missing in the English translation, so that you do not look for it and not find it.

BY DR. SIEMERS:

Q So here again this is an eventuality?

A Yes.

Q On 3 September 1939, at the beginning of the war, the "Athenia" was sunk. From the military point of view, that case has already been clarified by Dr. Kranzbuehler, but I should like to hear your position and

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explanation of the incident as commander in chief of the navy and with special consideration for the fact that the Prosecution, especially in this case, has raised a very severe and insulting accusation, the accusation that you purposely and in violation of the rules, made England and Churchill responsible for the sinking of the "Athenia", although you knew perfectly well that the "Athenia" had been sunk by a German U-boat. As proof, the Prosecution has submitted the article of 23 October 1939 from the Voelkischer Beobachter.

DR. SIEMERS: Mr. President, that is Number 3260-PS, GB 218, document book 10 of the British Delegation on page 97.

BY DR. SIEMERS:

Q I should like you to clarify that point.

A The fact is that a young commanding officer of a submarine, the U-30, on 3 September at dusk met an English passenger ship which had its lights dimmed and torpedoed it because he assumed by mistake that it was an auxilliary cruiser.

In order to avoid misunderstanding, I should like to state here that the considerations which have been mentioned here concerning the torpedoing of dimmed ships in the Channel did not play any part in the Naval War Command and that this commanding officer could not have known anything about these deliberations. He knewonly that auxilliary cruisers had their lights dimmed out, and he assumed that that was an auxilliary cruiser.

He did not make any report. That was not necessary. The information that a German U-boat had torpedoed the "Athenia" was broadcase by the British radio, and during the night of the third to the fourth, it was received also by us and was transmitted to the various services.

In the morning of 4 September we had that message in the Naval War Command, and I requested information as to how far our closest submarine was to the location of the torpedoing, and I was told 75 nautical miles.

At the same time, State Secretary von Weiszaeker in the Foreign Office, who had been a naval officer in the first world war, had found out that these things had occurred, and he made a telephone call to the Naval War Command, asking whether that was true. He did not speak to me personally He did not call me.

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He received the answer that, according to our information, it could not be right. He thereupon called the American Legation Secretary -- I believe Mr. Kirk -- in order to speak to him about this matter because the radio broadcast had also mentioned that several Americans had been killed during that accident and that from the first world war it was clear to him how important it was that no incident should occur with America. Therefore, he told him what he had found out from the Naval War Command. I told the same thing personally to the American Naval Attache, Mr. Schrader, absolutely bona fides. I believe that I could tell him that in good faith because we had no other information.

State Secretary von Weiszaeker then, if I remember correctly, came to see me personally. We were very close to each other, and he told me that he had told the American Delegation Secretary; I believe he did. He had not called me personally. That concluded the case at first.

The matter was such that if it had been reported in a formal way, we would not have had any hesitation in admitting it, giving the reason, and we would not have hesitated to apologize to the nations concerned, and the officer would have been punished.

I reported about the incident also to the Fuehrer's Headquarters, to the Fuehrer himself in his headquarters, to whom I reported that, according to our convictions, such a thing did not happen, and the Fuehrer ordered that it should be denied. That was done by the Propaganda Ministry, which had been informed by my press department.

The submarines returned on 27 September.

DR. SIEMERS: Excuse me if I interrupt. That date, Mr. President, is identified by document GB-221, submitted by the Prosecution in document book 10 on page 110. Excuse me.

A. The submarine commander returned on the 27th September to Wilhelmshaven. Admiral Doenitz has already described how he received him and how he sent him to me immediately to Berlin in an airplane.

The U-boat commander reported the entire incident to me and confirmed that it was a pure oversight, that only in the course of all these messages which he had heard had he found out that it had not been an auxilliary cruiser but a passenger steamer, a passenger liner.

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I reported these matters to the Fuehrer because they could have severe political consequences. He decided that since it had been denied once, we had to keep it utterly secret, not only abroad but also within official circles, government circles. Consequently, I was not in a position to tell State Secretary von Weiszaeker or the Propaganda Ministry that the facts were different.

My order to the Flag Officer, U-boats was, first, that the affair had to be kept secret upon orders of the Fuehrer, second, on my part, no courtmartial would be ordered because the commanding officer acted in good faith and it was an accident; third, the further political handling would be taken care of by the High Command of the Navy, as far as anything had to be handled.

With that the commanding officer returned to Wilhelmshaven and Admiral Doenitz has already reported that he was punished.

To our complete surprise, about one month later that article appeared in the Voelkischer Beobachter in which Churchill was accused of being the author of that incident. I did not know a thing about that article beforehand. I would certainly have prevented its appearance because it was absolutely impossible that I know that our submarine had torpedoed that ship and that the opponent, the First Lord of the Admiralty, should be accused of that.

I found out later that the order for such an article to be published was issued by Hitler and came down via the Reich Press Chief to the Propaganda Ministry and that the Propaganda Minister, as much as I was told, had himself drafted that article.

Later I could not do anything against it any more; I could not prevent it I have not seen it again, but one of my officers -- any one of my officers who had seen that article before any of the officers in the High Command of the Navy would have come to me and told me that I should do everything to prevent its publication. Nothing could be done because four weeks had passed since th case was cleared up.

Q. Admiral, you just said that you had found out that Hitler knew about that article. When did you find out about that?

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A. Here, from my co-defendant, Hans Fritzche.

Q. Not then?

A. No, not at all.

DR. SIEMERS: Thank you.

THE PRESIDENT: The Tribunal will sit again at a quarter past two.

(A recess was taken until 1415 hours.)

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File

Official Transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 17 May, 1946, 1415-1700, Lord Justice Lawrence presiding.

ERICH RAEDAR -- resumed.

DIRECT EXAMINATION -- continued.

DR. SIEMERS: May it please the High Tribunal, in the meantime I have perused my documents and am therefore in a position to carry out the original plan and that is of submitting the documents during the examination. In connection with the documents which we dealt with last, C-126, Strategic Planning, I should like to submit the following documents which are contained in the White Book, documents which have been granted me for my use and documents which also concern strategic planning on the part of the Allies. We are dealing with Raedar Exhibit No. 33. It is the document dated the 9th of November 1939; and also Raedar Exhibit No. 34, General Gamelin to General Lelong, November 1939; and also Raedar Exhibit No. 35, two extracts from the diary of Jodl, 1809-PS, which concerns the measures taken by the Luftwaffe regarding the Caucasus. It is not necessary for me to comment on this. I would just like to call you attention to the fact, to the questions which I put to the witness Goering on the 18th of March, regarding the plans of the Allies in regard to the destruction of the Caucasian oil lands, and the testimony upon which the Marshal testified, and finally in this connection, Raedar Exhibit No. 41, to be found in the document book Roman III, page 205, following which is a report of the commander-in-chief of the French Army, General Gamelin, dated the 16th of March 1940, which deals with the war plans for the year 1940. It means a more critical stage of the blockade of the Scandinavian countries and beyond that, the plans for the destruction of the Russian oil wells in the Caucasus.

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BY DR. SIEMERS:

Q Grand Admiral, before I now deal with the special action of Greece, Norway, and so forth, I would like to ask you to answer a question which relates to you personally. What decorations did you receive from Hitler?

A I received from Hitler, except the Golden Emblem which I have already mentioned, in the autumn of 1939, the Knight's Order to the Iron Cross. Furthermore, in the year 1941, on the occasion of my 65th birthday, I received a donation of 250,000 Marks. This donation was given to me by Hitler through an adjutant and in connection with that he sent a document. On the very first occasion, I thanked him at which point he told me that he was giving me this donation as a means of decoration in the same manner as the former rulers of Prussia had given their Generals, similar donations. These donations might have been some sums of money or through a country estate; then he emphasized that Hindenburg and Field Marshal von Mackensen had received donations from him as well.

Q Now, I shall turn to the passage "Greece", with special reference to Greece. The Prosecution has quoted document C-12, equal to GB -226. This is to be found in document book No. 10, page 1. This document deals with the decision on the part of Hitler which was transmitted through the OKW, dated the 30th December 1939, and it shows under No.1, "Greek merchant ships in the area around England declared by the United States to be a barred zone, are to be treated as enemy vessels." This decision on the part of Hitler occured on the basis of a report put in by the SKL. What caused you to make this report even though Greece was neutral at the time?

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A At that time we had a large number of Intelligence reports, reports submitted to us by our Intelligence Service, that there were Greek plans -- it seems to have been done with the knowledge of the Greek Government -- that Greek ships were used by England. Therefore, these Greek ships were in the service of England, and according to that were to be treated in the same way as we were treating the English merchantmen.

These Intelligence reports were verified to a large degree later on, and to a much larger degree than had been the case in the beginning.

DR. SIEMERS: In this connection I would like to submit Raeder Exhibit 53, to be found in my document book III, page 258. This document deals with the War Diary kept by the SKL in the month of December 1939.

On page 259 under the date of the 19th of December, the following entry is made:

"Greece has perhaps 20 vessels put at the disposal of the United States."

This report has been affirmed, as the witness just said.

The next entry, on the same page under the date of the 30th of December:

"On the basis of the sale and chartering of large Greek ships to England, with the agreement of the Fuehrer it has been decreed that Greek ships in the zone of 20 degrees West to 2 degrees East and 44 degrees North shall be considered as hostile craft by U-boats."

I should like to submit also the following document book as Raeder Exhibit 54. This document is taken from the White Book. It is dated the 23rd of January 1940, and it is a report from the German Embassy at the Hague to the Foreign Office. The heading is: "The contemplated charter of 50 to 60 ships to the British Government." It is not necessary for me to read that. I will be satisfied with the reading of the beginning of the first sentence:

"After the British press brought reports at the end of November last year" -- that is, 1939 -- "about the alleged lettings of Greek vessels," and so forth. It has been established that these 50 to 60 ships had now been chartered by British companies.

Even though it is not quite accurate historically, I would like to

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conclude the complex of Greece. In reality, in historical sequence Norway should be first, but I should like to deal with Greece and the occupation of Greece first.

BY DR. SIEMERS:

Q In the document C-152, equal to C-167, equal to GB-122, in the document book of the British delegation, number 10, page 23, the Prosecution has charged you with the figure 9 of this rather lengthy document, specifically figure 9, B-f. It says there:

"The Commander-in-Chief of the Navy wishes a confirmation for the fact that all of Greece is to be occupied even in a peaceful solution. Then a complete occupation is a stipulation for any regulation."

This document concerns your report to Hitler of the 18th of March 1941. What reason caused you to make this proposal?

A In the beginning I had had but little knowledge of the political intentions of the Fuehrer as far as Greece was concerned, but I did know of his decree Number 20, dated 13 December 1940.

Q I beg your pardon.

DR. SIEMERS: I would like to mention for the assistance of the Court that we are dealing with 1541, equal to GB-13, document book of the British delegation, 10-A, page 270. This directive is dated the 13th of December 1940.

A In this directive the Fuehrer, for the reasons given in paragraph 1, had as his intentions, as set forth in paragraph 2, that after the setting in of favorable weather, probably in March, to send this task force for the occupying of the North Coast by way of Bulgaria, and, if necessary, to occupy the entire Greek mainland, operation Marita. "The support of Bulgaria is to be expected."

The next time I heard about these things again was when I received knowledge of the fact that the British, on the 3rd of March, had landed in the south of Greece. We had knowledge of this on about the 5th or 6th of March.

For this reason I told the Fuehrer that he should occupy all of Greece in order to prevent the British from attacking us from the rear by air,

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putting up air bases at the same time so they could not hamper our war in the East and in the Mediterranean.

Matters were such that when a political decision had been made by Hitler of his own accord and without having asked anyone, I, as the Commander-in-Chief of the Navy, from this political decision had to conclude my strategic decisions and then had to give him my proposals and suggestions as far as I and the Navy were concerned.

Since he already in December had had the belief that all of Greece would have to be occupied, now, at this time, for me the case had actually arisen where I had to propose this thing to him, for the reason that I have already mentioned. When I said "all of Greece", that to me and the Navy meant the entire Greek coast, a space where the British fighting forces could land.

Q Your proposal was made about two weeks after the British troops had landed in Greece?

A Yes.

DR. SIEMER: In this same connection I would like to submit Raeder Exhibit 58, in my document book III, page 271. This is a document contained in the White Books, according to which on the 14th of January -- May it please the High Tribunal, I beg your pardon. Sir David has corrected me. Document 58 has been turned down, and I withdraw my suggestion. In this connection I would like to submit Raeder Exhibit Number 59 instead. It is to be found in document book III, page 273. It is an extract from the White Book, minutes of the French War Committee on the 26th of April 1940.

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This document deals with the decision of the War Committee regarding Norway, the Caucasus, Roumania, and Greece.

I should also like to submit Raeder Exhibit No. 63, in Document Book III, page 285, which is an address of the British Secretary of State for India, 1 December, 1940. This document also shows plans regarding Greece, a year and a quarter before the time just mentioned by the witness.

Now I shall turn to the topic of Norway.

BY DR. SIEMERS:

Q The attack against Norway, according to the British Prosecutor, Mr. Elwyn Jones, is considered a special case in the framework of aggressive wars on the part of the Nazi conspiracy. In this connection he pointed out that in this case Hitler did not have this idea by himself, but rather was persuaded by you. Since this point is very important, I should like to ask you to describe this event exactly.

First of all, I should like to ask you this. When was the first conversation about this matter between you and Hitler?

A The first conversation between Hitler and myself concerning the question of Norway was on the 10th of October, 1939, and that was a discussion which I had requested. The reason for this was because, through the work of Admiral Canaris, through our Intelligence Service, we had received reports at various times that the British intended to occupy bases in Norway.

I recall that after reports to this effect had reached me several times, Admiral Canaris, on one occasion, visited me himself, which was something he only did in very important cases. And, in the presence of my chief of staff, he gave me a rather comprehensive report on the intelligence reports which we had had. In this connection air bases were constantly mentioned, as well as bases in the South of Norway. Stavanga was mentioned constantly with the airport Skoval, and Trojndheim was usually mentioned as well. On occasion Christiansund was mentioned too.

On one of the last days of September I had a telephone conversation with Admiral Karls, who was the Commander-in-chief of Navy Group North, a man who was interested in carrying on the warfare in the Skagerrak and Kattegat and in the North Sea. This man seemed to have had similar reports, and he

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informed me that he had composed a private letter, addressed to me, in which the question of the danger of the occupation of Norway on the part of the British fighting forces was being dealt with, and in whichhe was, in a general way, dealing with the question as to what disadvantages such a step would have for us, and whether we should really have to get ahead of a step like that, and also what advantages or disadvantages occupation of Norway by us would have -- that is, the Norwegian coast and the Norwegian bases.

Up until that point I had not concerned myself with the Norwegian question at all, except for the fact that I had received this intelligence report. I cannot give you the exact date of the letter, but it was perhaps the last of September or the first of October; it must have been in that period of time. The arrival of this letter caused me to show the letter of the Chief of Staff of the SKL and to instruct him, with all dispatch, to deal with the question of the occupation of Norwegian bases on the part of England, and the other question which Admiral Karls had dealt with, and have the questions discussed in the SKL; the advantages and disadvantages of an expansion of the war towards the north, not only of an expansion on our part, but, above all, the expansion through England; what value would accrue to us if we acted first; what disadvantages would result if we would have to defend the Norwegian coast.

Through this the questionnaire originated which is mentioned in C-122 -- which is GB-82 where the

questions were asked; what places were to be used as bases; what the possibility of defense by us would be; whether these ports were to be developed further; and also, what advantages would result so far as our U-boats were concerned.

These questions, as I have already stated, were put to Admiral Doenitz as well, but his answers arrived only after I had made the suggestion on the 10th of October.

I would like to say, by way of introduction, that it was entirely clear to me that if we had intended to occupy these bases we would violate neutrality, but I knew, as well, the agreement which existed between the German and Norwegian Governments of the 2nd of September regarding neutrality, and I knew the concluding fact stated in Aidemoire, which is document TC-31, GB-79, dated 2 September 1939.

DR. SIEMERS: I beg your pardon, but I should like to point out, Mr. President, that this document is found in the document book of the British Delegation at page 330.

BY DR. SIEMERS:

Q You have that document before you?

A Yes, I have it before me, and I would like to quote the concluding sentence.

DR. SIEMERS: It is the last document in the book, Your Honor, at page 329.

A (Continuing) The last sentence: "Should the attitude of the Royal Norwegian Government differ from this so that any such breach of neutrality by a third party recurs, the Reich Government would then obviously be compelled to safeguard the interests of the Reich in such a way as the resulting situation might dictate."

Then, within the next several days, from the Chief of Staff of the SKL, I had the data submitted to me which the SKL had prepared on this entire complex of questions. Then, I asked to be permitted to report to Hitler on the 10th of October, because I considered this problem tremendously important. It was entirely clear to me that the best possible solution for us would be that of having Norway maintain a reliable neutrality, and I expressed my opinion, as may be seen in document C-21, GB-32.

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DR. SIEMERS: I beg your pardon, that is GB-194.

THE PRESIDENT: Where is that?

THE WITNESS: This is an extract from the War Diary of the SKL.

DR. SIEMERS: It is in the document book of the British Delegation, 10-A, page 6.

THE WITNESS: It says here, on the third page of the German version, the next but last paragraph, under the date of 13 January, "Situation conference with the Chief of the SKL."

DR. SIEMERS: I beg your pardon, Mr. President. C-21 was not entirely translated by the prosecution. This document may be found in my document book under Raeder Exhibit No. 69, and I should like to submit it herewith.

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This is to be found in Document Book III.

THE PRESIDENT: Document Book III only goes to 64, is that right? It must be Document Book IV.

DR. SIEMERS: There must be a mistake in the document book then. In the table of contents, Document 64 was the last one mentioned, but since that time there has been a supplement added. It is in Document Book IV, page 317.

BY DR. SIEMERS:

Q. Pleas comment on this document.

A. In the next but last paragraph, it says:

"In complete agreement with this point of view, the Chief of the Naval Operations Staff is therefore also of the opinion that the most favorable solution would doubtless be the maintenance of the present situation, which if strictest neutrality is exercised by Norway will permit the safe use of Norwegian territorial waters for the shipping vital to German's war effort without the attempt being made on the part of England to endanger seriously this sea-lane."

I maintained this point of view with Hitler. In my report to the Fuehrer I mentioned the intelligence reports which we had at our disposal. Then I pictured the dangers which might result to us from a British occupation of bases on the Norwegian Coast, which would affect our entire war effort, dangers which I considered tremendous. I had the feeling that occupation by England would work out to the greatest detriment to our carrying on the war.

If the British could have had bases in Norway, especially in the South of Norway, from those points they would have been able to dominate the entrance to the East Sea, as well as our naval operations out of the German Bay, and that was the second exit which we had. They would have hampered the operations of battleships as well as our merchantmen.

In addition to that, from their air bases in Norway they could attack our air operations for reconnaisance in the North Sea for attacks against England. They could have hampered us in all of these operations.

Furthermore, from Norway they could exert a strong pressure on Sweden, and that pressure would have been felt in this respect, that the supplies of ore would have been cut down or would have stopped entirely on the basis of politi-

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pressure. Finally, the export of ore from Narvik to Germany could have been stopped entirely, and since we know how much Germany depended on supplies of ore from Sweden and Norway, this was a very important point. They might have even gone so far -- and we learned about this subsequently when these things were discussed -- as attacking and destroying the ore deposits at Lunea, or bringing them into British possession.

All of these dangers were very much present and determinate factors in the carrying on of the war. Aside from the fact that I told Hitler that the best thing for us would be to have strict neutrality on the part of Norway, I also called his attention to the dangers which would result to us from an occupation of the Norwegian Coast and Norwegian bases, for there would have been lively naval operations near the Norwegian Coast, and if we were to occupy these bases, England would try to hamper our ore traffic from Norway and battles could result which we, with our inadequate supply of surface vessels, could not handle.

Therefore, at that time I did not make any proposal that we should occupy Norway or that we should obtain bases in Norway. I only did my duty in telling the Commander-in-Chief of the Wehrmacht about this grave danger which was threatening us, and against which we would have to use emergency measures in our defense. I also pointed out to him that operations for the occupation of Norwegian bases would be very expensive for us, and in the course of later discussion, I told him that we might even lose our entire fleet, and I would consider it a favorable case if we were to lose only one-third, something which actually did happen later on.

Then, there was no reason for me to expect that on this occasion I would gain prestige, a point of which I have been accused by the Prosecution. As a matter of fact, the exact opposite could result.

DR. SIEMERS: I should like to call the attention of the Tribunal to the fact that these things may be seen in documents which date from the time of the war, one of which is Raeder Exhibit No. 69, of the 13th of January 1940.

This document is a study, and it is claimed that this study is based on the fact that if England were to have the bases in Norway, the situation would be

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unbearable for the carrying on of the German war, and such a situation could be prevented only if we got ahead of England by occupying Norway ourselves.

In the War Diary the same thing is set down as has just been testified to by the witness.

In the same connection, I should like to refer to the document of the Prosecution, C-66, GB-81, which may be found in British Document Book 10A, page 35. This document is dated 10 January 1944. May I ask the Tribunal to take judicial notice of the fact that there, under "Weser Maneuver" -- that was the name for this action -- those explanations are set forth which the witness has just made. I do not wish to read all of this since we would lose valuable time thereby.

THE PRESIDENT: You mean C-66? That is about the Plan Barbarossa. Is that the one you mean?

DR. SIEMERS: No, the last page, under the heading "Weser Maneuver", page 39. The letter by Admiral Karls which was mentioned by the witness is mentioned in here, and his thoughts in connection with this matter. In the German original there is the heading, "Appendix 2".

A clearer version is found in Document Raeder 69, since that dates from January 1940, three months after this affair, and new reports had come in. This, on the other hand, is a picture dating from October 1939.

BY DR. SIEMERS:

Q. Grand Admiral, I must once more refer to Document C-122, which you have already mentioned. The Prosecution, in that document, accuses you of saying, "The Chief SKL deems it necessary to tell the Fuehrer as soon as possible of the ideas of the SKL on the possibility for expansion of operational maneuvers to the

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north."

The Prosecution seems to be of the opinion that they can conclude that that was your primary thought, to expand the operational bases for the Navy.

A No, I have already said that as far as thetexpansion of the operational zone to the north was concerned, I meant that there might be an expansion on the part of the British as well as ourselves, that we should get ahead of the Englis and, in such a way, gain these bases, bases which would be of certain importance to us.

Q What did Hitler reply at this discussion on the 10th of October 1939?

A Hitler had not concerned himself with this question at all. The question was very far from his mind, for as far as matters of naval warfare were concerne he knew very little about them. He always remarked that he did not have an over-all picture of these things, and therefore felt somewhat uncertain. He said that he would concern himself with this question and that I should submit the notes which I had worked out together with the SKL, and leave the notes with him so he might use them as a basis for his deliberations on this problem.

It was typical, and really speaks against the character of the conspiracy, that at this occasion when Hitler was confronted with the problem of Norway, he did not say a single word about the fact that previously, perhaps in the summer of that year, he had already heard from Rosenberg about Norwegian questions. I gather from a document which I have only learned of here that Rosenberg on the 20th of June 1939, spoke to the Fuehrer and gave him a comprehensive report about his connections with Norwegian political circles.

However, I heard of these matters for the first time on the 11th of December It would have been a matter of course for me if the Fuehrer had concerned himself with Norwegian strategical matters and had told me. "I have such and such information about Norwegian conditions." That did not take place, however. The Fuehrer told me that we should await the arrival of further reports and that he would concern himself with these questions.

Q In the subsequent period of October and November, that is, up until the 11th of December, did you discuss this question with Hitler again?

A No, the question was not discussed at all during those months, but in September Corvette Captain Schreiber had been made the highest attache in Oslo. and later on he had become the naval attache in Oslo. During this time, Schreibe

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as well as the intelligence service, gave me further reports about conditions in Norway, and told me of reports which were circulating about a possible landing of the British. Later on, Schreiber was my chief collaborator in these Norwegian problems, and he showed a particular understanding for this special situation.

DR. SIEMERS: In this connection, I should like to submit to the Tribunal Raeder Exhibit 107, an affidavit of the naval attache who has just been mentioned, Richard Schreiber. This may be found in my document book V, page 464.

According to that document, on the 7th of December 1939 Schreiber was made a reserve officer and was sent to Oslo as a naval attache. He stated that since the autumn of 1939 he had been active in that capacity.

With the permission of the Tribunal, I should like to read a portion of this, under 1, on page 464, at the bottom.

THE PRESIDENT: Dr. Siemers, this is one of the documents which was objected to, is it not?

DR. SIEMERS: I beg your pardon?

THE PRESIDENT: This is one of the documents which was objected to, was it not?

DR. SIEMERS: There is nothing coming through, Your Honor.

THE PRESIDENT: Can you hear now, Dr. Siemers?

DR. SIEMERS: Yes.

THE PRESIDENT: We told you that we had read all these documents which were objected to. We read this document, so it is necessary for you to read it all again.

DR. SIEMERS: Very well. Then in this connection, may I refer to the first part of this affidavit, part I?

Mr. President, I should like to point out a very insignificant error in translation on page 466. In the second paragraph, second line, the word "Deutsch", "German", is missing -- to clear the record, "on the part of the Foreign Office to maintain and respect Norwegian neutrality". In the English text it says, "foreign office". It should read "of the German Foreign Office"; and I should be very grateful if this mistake could be rectified.

BY DR. SIEMERS:

Q Grand Admiral, you know the affidavit given by Schreiber. In this, reports were mentioned, and you have already referred to this point. During these two months, did special intelligence reports come in? Among other things besides reports which you have already mentioned, was Narvik mentioned also?

A Captain Schreiber mentioned Narvik for the first time expressly; that is, as far as I remember. Captain Schreiber very quickly had worked into conditions there, and he had very fine connections in Norwegian circles. The confirmation of all that I had known up until that point came about on the 11th of December.

Q Now, please describe your meeting with Quisling on the 11th of December, 1939.

A May I put a question first, whether the documents 004-PS and 007-PS, which I believe were submitted by the prosecution, may be used in this connection that is, the meeting record of the 11th and 12th, and an accompanying letter by Rosenberg referring to these meetings and similar matters?

H0134-0042

Q Grand Admiral, we shall refer to this. I believe that you will be permitted to use these documents. But since they are known, just mention the points that you remember. On this occasion, I should like to ask only on documents by Rosenberg, 004-PS and 007-PS. You did not know those documents?

A No, I did not know those documents. I just learned about them here. But the reports contained in these documents may be proved by subsequent documents, according to the date.

Q Now, tell us only those things which you heard at that time from Quisling.

A Up until the 11th of December, I had neither connections with Mr. Rosenberg -- not mentioning the fact that I saw him on occasion, or had seen him on occasion -- nor, above all, did I have any connections with Quisling about whom I had heard nothing up until that time.

On the 11th of December, my chief of staff, Mr. Schoulte-Moenting, reported to me that Major Quisling had arrived from Oslo, Quisling who had been Minister of War, since he was asking for a discussion with me, and this request was put by Mr. Hageling. His reason for the visit was given that Quisling wanted to tell me about Norwegian conditions.

Mr. Hageling had been sent to my chief of staff by Major Rosenberg, who knew both of these gentlemen, as I have already mentioned. Since reports from my secretary seemed to be of great value to me, I declared myself to be ready to receive Mr. Quisling.

He arrived on the same morning and reported to me at length about the conditions in Norway, with special reference to the relation of the Norwegian Government to England and the reports on the intention of England to land in Norway, and characterized the whole situation as especially urgent; for according to his reports, the danger seemed to be imminent. He tried to establish a date, and it seemed to me it should occur before the 10th of January, since then a favorable political situation would arise.

I told him that I was not really concerned with the political situation, but I could try to see to it that he could report this to the Fuehrer. But I was concerned only with the military and strategic situation, and in that connection, I could tell him right away that the possibility from the 11th of December until the 10th of January was not good because of the brevity of time and because of the fact that it was winter, and these efforts would be without success.

H0134-0043

H0134 - 0044

I considered his expositions were so tremendously important that I told him I would try to arrange for him to report to the Fuehrer personally so that these reports would reach him directly.

Then on the 11th -- that is, on the next day -- I went to Hitler and informed him of our conversation, the conversation between Quisling and me, and I asked him to receive Quisling personally so that he might have a personal impression of Quisling.

On this occasion, I told him -- and this is written down in one of the documents -- that in cases of this kind, one should have to be especially cautious, since one could not know to what degree such a political and party leader would try to further the interest of his party. Therefore, our investigations would have to be especially careful. And I again called the attention of the Fuehrer to the fact that an attempt to occupy Norway or the Norwegian coast would bring with it a great risk as well as disadvantages for the subsequent situation. In other words, I pictured the case in both aspects, and I presented it in a neutral manner.

I then decided to receive Quisling with his aide, Hagelin, on one of the following days. These two gentlemen then obviously were in connection with Rosenberg. I believe they stayed with him, and Mr. Rosenberg then sent me in the form of a letter a record of a meeting of a session which had been taken down by Quisling and Hagelin.

In this letter, a letter which is here a s a document but which was not read by the prosecution, it said specifically that Rosenberg knew the political conditions, but that, of course, he was not familiar with the military judgment of the situation, that he would leave the military judgment up to me, since I was the commandant for the sector.

DR. SIEMERS: If it please the High Tribunal, in this connection I would like to submit Raeder Exhibit 67, to be found in my Document Book IV, Page 309. That is the letter from Rosenberg to Raeder dated the 13th of December, 1939, which was not mentioned by the prosecution. The prosecution merely mentioned the points contained in the letter -- that is, a note in the files by Rosenberg, under No. C-65, the same as BG-85. C-65 and Raeder Exhibit 67 belong together according to their contents.

THE PRESIDENT: You say there was another document besides Raeder 67 which you were referring to?

H0134 - 0045

DR. SIEMERS: Yes; I am referring to Raeder 67.

THE PRESIDENT: I know about that. But you said some other document, as well.

DR. SIEMERS: Yes, the document submitted by the prosecution, C-65. And that belongs with these letters; the two things belong together. The latter document, C-65, is to be found in the document book of the British Delegation 10-A, Page 33. If these two documents are considered together, it may be seen that the political side is not mentioned in either document; and from that we may see that the witness said that he was not concerned with the political side of the picture, but only with the military side.

THE PRESIDENT: Doctor, I think it would be a good time to break off.

(A recess was taken).

H0134-0046

MR. DOD D: Mr. President, with respect to the case of the defendant, SEYSS-INQUART, counsel for SEYSS-INQUART, and representatives of the Prosecution have been conferring with respect to his application for documents. We have agreed on a great number, but there are twenty upon which we are uhable to agree.

THE PRESIDENT: Twenty?

MR. DODD: Twenty. I think we could do it in thirty minutes if the Tribunal will set some time aside, it might take a little more. Sir David has reminded me that the translators are waiting on us to go ahead with their translation work.

THE PRESIDENT: Mr.Dodd, I think the best time would be to take it tomorrow morning at teno'clock.

MR. DODD: Very well, Mr. President. It has been suggested also that the case of SEYSS-INQUART precede that of VON PAPEN. I understand that is the wish of the British counsel, and very satisfactory to us as well.

THE PRESIDENT: Very well.

Q May I ask first when were the plans for the occupation of Norway drafted?

A I can say that on the basis of the conferences which Quisling had with the Fuehrer on the 14th of December in my presence the Fuehrer ordered that the O.K.W. should now deal with the matter and should study it. The Fuehrer then had two more conferences with Quisling on the 16th and 18th of December where I was not present, and the matterthen according to the directives was treated by the O.K.W., and at first a study was made from the Document C-21, which I have mentioned before. We concede that the Study North on the 13th of January was received by S.K.S., and then in the course of January and the date of the 27th of January has been mentioned, the draft of a directive for the case North was made, and that draft was made in the O.K.W, and as expert for the Navy Captain Krenke took part in it.

The directive was received on the 1 March 1940, and was issued to the three branches of the armed forces. In the meantime, a large number of reports had been received which could be used as a basis for the draft

H0134 - 0047

of the directive. These reports now besides coming from Captain Schreiber also came direct from Quisling, who sent them to the Fuehrer, and they concerned the preparatory work which had been done by the English and the French. The Navy Attache Hamering? was mentioned in the preparations which had been made in Norwegian ports for the possibilities of landing, measurements of docks and the heighth of the bridges on Norvik and on the Swedish border for similar things.

These reports came to us and showed us clearly that within a reasonable time a landing was intended. Besides, also political reports reached us, and Hageling throu hg his connections in Norwegian circleshad received reports which in part came directly from the representative Hageling andmembers of the Government.

All of these reports confirmed that the pretense of aid for Fin and Russia played a certain role, and the danger was discussed and considered that England under pretense of aid for Finland would consider a cold-blooded occupation of Norway. That directive for the case of Norway, therefore, came one the 1 March, was issued on the 1st of March, and in the further course of the month of March more reports were received. In themeantime, the Altmark incident had occurred, and it was reported by Hageling that the attitude of the Norwegian Commander was such that one could say that the Norwegian Government in the case of the preparation by the English would only protest on paper.

Q You said just now the directive of the 1st of March, is this correct? The Prosecution from the Document 1809 quoted the order of the 5th of March. That is an entry in the diary of Jodl, 1500 conferences about the case with the three Commanders in Chief, Field Marshal Canaris who was more concerned before about it. How is it possible, Admiral, that Reich Marshal Goering had not been consulted at a time when the directive was issued?

A I cannot explain that at all. I can't understand it. I had no authority to speak about it and I can't say why he was not consulted.

Q It is in a sense of conspiracy, and how is it that the second highest man in the Reich would not be in it from the beginning? Hasn't he ever spoken to you about that matter?

H0134 - 0048

A No, not that I can remember, but that shows how little, especially around the Fuehrer, one could speak of a conspiracy. The Foreign Minister, Von Ribbentrop, also was not present during any one of the conferences or receptions of Quisling, and I had no authority to speak to him about these matters.

Q Then I should like to have your position to the entry of Jodl on the 13th of March, in which he stated the Fuehrer had not given the order?

A Yes, for study only.

H0134-0049

Q Having ~~and what justification he had.~~ read in entirety, I ask you to explain these words to us in such a way as you understand them.

A Yes. In the English translation as much as I remember he says "Looking for excuse," but he had neither justification nor he needed neither justification nor excuse, because in the directive of the first of March -- that is to say, two weeks before that, in the first paragraph he has stated what circumstances made it necessary we receive permit to occupy Norway and Denmark, conduct operations in Scandinavia, secure provisions with Sweden and secure provisions for the Air Force against England.

DR. SIEMERS: Mr. President, may I point out that is the Document C. 174; that is, G.B. 89, Document Book of the British Prosecution 10-A, page 113. That is the directive for the plan from the first March '40 which the Witness has mentioned contains already the justification or the reasons for it.

May it please the Tribunal, to prove this report mentioned by the Witness came through the information service of Captain Schreiber and so on, and that also, objectively, according to the facts I may be permitted to submit several documents -- and that is Raeder Exhibit Number 75 from the White Book with the date of the 17 February '40, containing mention of the landing of British Troops in Trondheim and Narvik, and several appendages to it, from which the considerations in force at that time can be seen concerning the Swedish ore;
Document Raeder 77, Exhibit 77 --

THE PRESIDENT: This is 75, pages 43 and 44?

DR SIEMERS: Beg your pardon. Not page, but Raeder Exhibit 75. It is page 340. Document Book 4.

Then Raeder Exhibit Number 77, also from the White Book.

Document 44, Page 352. I have seen in the English document book a mistake. On page 353 the heading is missing. That is to say, under page 354. And I may point out that this document has the date of the 23rd of February 1940. That is contained in the original document. The heading "Intervention in Scandinavia." It concerns the occupation of the most important Norwegian ports, and so on. It mentions again the question of the Swedish ore.

Then I come again to the document Raeder Exhibit 78; page of the document book 4, 357, an excerpt from the war diary of the war Navy Command of the 4th of March, in connection with the case of the Altmark. It is explained that its

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sending against British military action against Norway wasn't possible.

Then Raeder Exhibit 79, Document Book 4, page 359, note by the Commander-in-chief of the French Army, General Gamelin. He also finds mistakes in the Er translation. The heading of the document was left out, was omitted. On page 360 I would be grateful to the Tribunal if it would note that the original document has the date of the 10th of March 1940. It is top secret and is based on the fact that since 16th of January the general plan of armed intervention in Finland existed, and therefore as a matter of precaution the ports and airports of the Norwegian coast should be occupied.

Then may I submit Raeder Exhibit Number 80, report about negotiations of the Scandinavian Commission of the Inter-Allied Study Commission of the 11th of March 1940, top secret, concerning landing at Narvik.

BY DR. SIEMERS:

Q Then, Admiral, we are finished with Norway. I believe you said already that the reports increased in the month of March. When did Hitler give the final order for the occupation?

A The end of March or beginning of April. I couldn't recall the exact date.

Q I believe that is sufficient.

A May I still mention a particularly important report which I remember now, that in February Quisling informed us that Mr. Halifax had told the Norwegian ambassador in London that an operation on the part of the British for the acquisition of bases in Norway was intended for the near future, and that report at that time reached us. Needless to say, in addition to that I have emphasized before that in all conscience I always tried to show to the Fuehrer both sides of the picture because I was conscious of the responsibility that on the basis of the material presented by me, the Fuehrer would have to take or refuse that decision. But that does not mean to say that in any way I refused the responsibility for having pointed out to the supreme commander of the Armed Forces that particular danger, and therefore of course I am in some way responsible for the whole thing; because, after all, I have been accused that in a letter which has also been submitted here, C. 155, that I had expressed to my Officers Corps that I was proud of the execution of this extraordinary dangerous enterprise. I should like to confirm this, because I believe I should be proud that the Navy, with such linited means, carried out that operation in the face of the entire British fleet; and I remain of that position.

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Q. In the month of March did messages come to the SKL about violations of the neutrality of Norway? That is incidents in Norwegian waters?

A. Yes. In the second half of the month of March statements about actions of British planes against our merchant shipping repeatedly occurred, ships which brought the Swedish ores from Narvik.

DR. SIEMERS: Mr. President, in that connection may I submit some more documents? Raeder Exhibit 81, Document Book 5, page, of the original, 372, War Diary of the Naval War Command, containing several entries according to which these incidents became more and more frequent, in which the Norwegian neutrality was violated by British ships and planes. Since that document is known I do not have to read anything from it.

The Raeder Exhibit 82 in Document Book 5, page 377, also War Diary of 27 March, also concerning violations of neutrality.

Furthermore, Raeder Exhibit 83, page 397, a draft for dissolution of the 6th session of the Supreme Council, dated 20 March, 1940, which has already been mentioned yesterday and where the justification concerning the vital interests with respect to international law is mentioned and the laying of mines from 5th day of April on.

The Raeder Exhibit 84, page 384, and Raeder Exhibit 85, page 386, which, like the previous one, is a document from the White Book. May I only point out that it mentions that the first transport is to leave on the 5th of April; in other words, four days before the occupation by Germany.

Raeder Exhibit 86 is an excerpt from the War Diary, and of which I ask you to take official notice, which reports the chartering of over ninety per cent of Norwegian tankers and merchant fleet by England.

In conclusion, concerning Norway, may I ask you to look at two documents from C-151 and C-115. Those are documents GB-91 and GB-90, Document Book of the British delegation 10-A, on pages 106 and 162. The dates are 30 March of 1940 and 4 April, 1940. The documents show that the ships which would carry out the landing, for camouflage reasons, should carry the British flag, and from that the prosecution has concluded an accusation.

BY D.R SIEMERS:

Q. What do you say about it?

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A. That is quite a regular ruse of war, that warships carry a foreign flag. A requisite for the legality of that ruse, however, is that at the moment of an enemy action, the moment fire is opened, their own flag has to be opened in time. That has always been done in the German Navy, especially with our cruisers, which frequently sailed under a foreign flag to be taken as merchant ships, but who always have lowered that flag in time. That is a matter of honor. But it must be added that in this case, such as the War Diary shows on the 8th of September --

Q. 8th of April.

A. 8th of April, yes -- that on the 8th of April, on account of certain considerations, we rescinded that order because we had these reports that an English action was under way and we feared that complications would arise from that. So this order was not carried out in the long run. I believe the document can be found which contains that.

DR. SIEMERS: Mr. President, I submit, in that connection, Raeder Exhibit No. 89, Document Book 5, page 400, where we find, under the 8th of April, that the previous order is rescinded; the British flag is not to be used.

A. You also asked about Document C-115, which says that the blockade runners camouflaged as merchant ships should enter Oslo Fjord. That has always been a quite regular ruse of war against which, from the legal pointof view, no objection can be made. Likewise, concerning signals of identity if English names are given; there is nothing to be said against that.

I did not quite answer one question because I was interrupted. That was the question concerning the expression "justification" or "excuse" in the War Diary of Colonel-General Jodl. As I have shown, it was not a question of justification which Hitler had expressed a long time before that, but I believe that I can be quite sure that it was a question as to the diplomatic note which, at the moment of the execution of the enterprise, had to be presented, had to prosented to the Norwegian and Danish government to give cause for his actions, that this note was not yet drafted, especially since he had not spoken to the Foreign Minister at that time at all. The Foreign Minister received the information, as he has said himself, only on the 3rd of April or -- yes, on the 3rd of April.

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DR. SIEMERS: I believe with that we can conclude the question of the occupation of Norway. May I still submit the approved document, Raeder Exhibit 66, which was approved for the purpose of argument? Those are the files of Dr. Mosler and it can be found in Volume 4, page 231; and in that connection, concerning the use of flags, may I specially emplasize Figure 70, page 304, from which we can see the legal reasoning behind it.

Furthermore, may I submit Raeder Exhibit 90, Document Book 5, page 402, and the series of documents as far as they are approved, Raeder Exhinit 91, Admiral Darlan to the French Minister Daladier on the 12th of April, 1940; Raeder Exhibit 92, page 412. This document contains the English-French note to the Norwegian government on the 8th of April, 1940. I have submitted that document because this note expresses the same legal point of view as the statement by Dr. Mosler. Raeder Exhibit No. 97 and Raeder Exhibit No. 98; No. 97 concerns the White Book and the planning of the 7th of February, 1940, concerning the bases of the Allies of Norway; and No. 98 is an excerpt from the War Diary concerning the orders which, at the time of the occupation of Norway, were found and from which it could be seen that an English landing had been imminent and the so-called plan under the camouflage name "Stratford Plan", which was prepared by the British Admiralty.

BY DR. SIEMERS:

Q. Concerning Norway, may I ask you the following: During and after the occupation did you intervene to see that the Norwegian population should be treated decently and what was your attitude with regard to the political question in Norway; what about the attitude of Germany to Norway?

A. From the very beginning I was for good treatment of the Norwegian population. I knew that Hitler had given Gauleiter Terboeven, -- whom he had unfortunately appointed Reichcommissar for Norway and charged with the civil administration on the occasion of his appointment -- had given him instructions that he, Terboeven, should bring the Norwegian people to him; that is to say, make them inclined to follow him, and that he had the intention in the end to maintain Norway as a sovereign nation in connection with the North German Empire.

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The attitude of Terboeven was contrary to that. He treated the Norwegian population in a very unfriendly manner, and he sabotaged, indeed, the aims and purposes of Hitler by his treatment.

I tried in close understanding with Admiral Boehm who became the Naval Commander in Norway and who had taken Captain Schreiber, the former Attache, into his staff as a liaison officer to the Norwegian population, to counteract these intentions of Terboven. On the basis of the reports of Admiral Boehm I repeatedly approached the Fuehrer indicating to him that with Terboeven there he would never reach his goal. The Fuehrer designated Quisling Chief of the Government. He became Prime Minister but Terboeven also committed sabotage against Quisling in his activities by making it extremely difficult for him and even discredited him among the population.

The last reason of Terboeven was, in my opinion, that he wanted to remain Gauleiter of Norway. All our attempts, endeavors, were unsuccessful, in spite of the fact that Admiral Boehm tried hard to carry out, on the part of the Navy with the population, that which Hitler had expected, that is, to bring about the sympathy of the Norwegian people.

I didn't understand how on the one side one could gain the sympathy of the Norwegians and on the other hand sabotage them.

That went on until 1940, at which time Boehm made a final report to me, in which he explained that it could not go on like that and that Hitler's intentions would never be carried out. I presented that report to Hitler, but since that did not bring about any change, late in the Fall of 1942 this failure of mine became one of the reasons which finally led to my retirement.

Q Did you ask Hitler specifically to dismiss Terboeven?

A Several times. And I suggested that he should appoint General Admiral Boehm as Commander-in-Chief of the Armed Forces for Norway and to give him greater powers so that he could carry out his -- Hitler's -- aims. I suggested that the Fuehrer as soon as possible should conclude the peace with Norway, because only in that way could he bring about that cooperation between Norway and Germany and the population turn to him so that there would be less sabotage and attacks by Norwegian immigrants, and that possibly the

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Norwegians who were leaning toward England at that time could be brought to return, because they would be afraid that they would lose the contact, also in the economic field. The defense of Norway would be considerably relieved if that state of peace could be brought about.

Q In conclusion, may I refer to Raeder Exhibit 107 which is already known to the Tribunal by Schreiber under Roman Numeral II. There Schreiber mentioned in detail the endeavors of the Navy to prevent the regrettable terror regime of Terboeven and explained that Raeder in 1942 for the last time tried energetically to achieve from Hitler the conclusion of the peace between Norway and Germany. I believe that the prestige of Boehm was a good one in Norway; that I can assume this is historically known without having to prove it. I had asked for a witness in that connection but the witness was not approved.

May I also submit Raeder Exhibit 108, Document Book 6, page 473, a letter from Raeder to General Admiral Boehm of the 23rd of October, 1942. Raeder writes:

"To my regret I have to send you enclosed, for your personal information, a letter from Reich Minister Dr. Lammers to Prime Minister Quisling."

On page 476 there is the letter from Lammers to Quisling from which it can be seen that -- and I quote only one sentence:

"The Fuehrer, therefore, asks you to discuss allpolitical questions concerning Norway, which necessitates a discussion with the Reich, exclusively with the Reich Commissioner as the sole responsible representative of the Fuehrer in the civil sector of Norway, and also to convey through the Reich Commissioner only all requests which you wish to submit to the Fuehrer personally."

This is the letter which the witness mentioned and which finally destroyed all his plans and endeavors against Terboeven.

Grand Admiral, you had little to do with France, and therefore we can be very brief. May I merely ask you, did you attempt at any time to influence the political relations between Germany and France?

A This influence, if it occurred, had not only to do with reasons of

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defense, improvement of the condition of defense of our country, but also for humane reasons. In France I was frequently at naval bases and on the occasion of my trip there I got some knowledge of conditions in France; and I saw that in 1940 and still in 1941 the population lived just as if it were peace, completely undisturbed. Consequently, I believed, since the Fuehrer had proved so much moderation on the occasion of the Armistice, that there would be a basis upon which France -- which had a government of collaboration -- could be attracted more closely to us.

I was informed that Laval was allegedly of the opinion that only a cooperation between France and Germany could guarantee a lasting peace in Europe for the future. Therefore, I suggested to him whether he himself could not try to do something in that direction. He did not intend to do so and I referred to it again when I heard that Admiral Darlan had the desire to get into closer cooperation with our Admiral Schulze, the Naval Commander in France. It was first in the field of information, when his services were very useful to us.

At the end of the year 1941 he mentioned that he would like to speak to me once. Admiral Schulze reported that to me and I reported it to Hitler and recommended such a conversation because I thought it would do some good.

Q You could do what?

A That it could bring some advantage.

The Fuehrer approved that conference and informed me -- instructed me -- of his attitude. The conference took place near Paris on the occasion of an official trip which I made to a French base the end of January or beginning of February, 1942. I had the impression that the conference was very satisfactory, inasmuch as Darlan was of the opinion that a peace would be of advantage to both nations and that, also, otherwise he seemed inclined to cooperation. He stressed, however, that the entire political regulation had to take place before peace could be concluded. I still had further negotiations with the Armistice Commission with respect to heavy armament for major French ships. I reported to the Fuehrer about the

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result of the conference but also in this case the Fuehrer was again hesitant and did not want to make a decision. He said first he had to see how the war would take its further course before he would decide upon his final position toward France. Besides, that would be a precedent which would have an effect on other nations.

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So that also was a failure -- the alleviation of the defense of France did not result from it and so in that case of France, the failure which I had was the second reason which contributed later, that I asked for my dismissal because I could not carry my plans through.

Q. Now, I come to the next subject, where accusations are made against you and that is Russia. When did you hear for the first time that Hitler intended to wage war against Russia, although he had concluded a non-aggression pact with Russia?

A. May I first remind you that in the summer of 1940, that is to say, July, August, and Spetember, we in the navy were very much concerned about preparations for a landing in England; therefore, as far as we were concerned, we did not even think that there could be any plans for action to another side, in another direction. In August I heard through somebody from the army -- in August, I heard from some army officer that it could be, that it was the commander-in-chief, that considerable troop transports were going to the East. I asked Hitler thereupon what that meant and he told me it was a magnificent camouflage of his landing intentions in England. He knew that I would be against it right away if he would speak about an enterprise against Russia. In December -- and I cannot recall the date exactly -- it did come to it, however, that he admitted to me that he had certain intentions against Russia. In December, I held at least two lectures -- the more important one was on the 26th of September, in which report I tried to convince him against any undertaking against Russia and at the occasion of the report which I made in the presence of Keitel and Jodl. I emphasized particularly the strategic military side; first, because I could do that in all clarity and also in the presence of other people and then because I assumed that such military reasons -- what the possibility of failure of an operation against Russia is, at the same time one is in the struggle against England, that this should make an impression on him and would be designed to change his mind about that plan. Just on the 26th of September, I requested, after the official report, a personal conference alone with Hitler. Keitel and Jodl can testify that I always did that when I wanted to discuss something particularly important with the Fuehrer, where I had to go beyond the

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conventional framework which I could only do if nobody else was present. One could tell Hitler a lot of things if he was alone with him but one could not make any such statements in a larger group. Fieldmarshal Keitel and Colonel-General Jodl know that very well, particularly well, just because they were t ones who in such cases had to leave the room. In that case, I gave detailed explanations to Hitler that, first, one could impossibly break the pact with Russia; that it would not be moral, it would not beoppertune, because it guaranteed great advantages for us and therefore was a basis for a sound polic later for Germany and then I told him that under no circumstances he could start a two-front war, where he was the one who had always emphasized that he could not understand and would not repeat the stupidity of the government of 1914 and that, in my opinion, one could never take the responsibility for it. Then I put to him again the relations, the proportion of power, the absolute necessity for the navy to concentrate on the war against England and just in that moment where all means were strained to the utmost so that the landing could be carried out. On that very day, I gained the impression that Hitler was inclined to listen to my argument, because later or on the next day, the naval adjutant, Captain von Potkammer, reported to me that Hitler had spoken very much in the sense that I had spoken to him and had confirmed my argument and that went on for several months, and I presented such reports repeatedl and came also with the same arguments, and I believed again in November that I had been successful. To my utter suprise, however, on the 18th of December, Directive No. 21 came out (Barbarossa) in which the case of a war with the Soviet Union, before the termination of the war against England, was anticipa however, that, of course, was a directive for an eventuality. It is the docu- ment 446-PS, US-31, of the 18th of December 1940.

DR. SIEMERS: Mr. President, that is in thedocument book 10-A, page 247: that is the document book 10-A of the British prosecution.

BY DR. SIEMERS:

Q. Admiral, the prosecution asserted that the navy and you participat in a draft of the directive. Is that correct?

A. That is in no way correct. Such directives were drafted after the

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Fuehrer had taken his political decision in the OKW, in the Fuehrungestab, the leadership staff, and in that staff there was also one army officer, several air force officers, and a navy officer, who drafted under the chief of the staff the matters of navy, air force, and army. That directive then went to the commanders-in-chief of the branches and they were ordered, from their part, not to present suggestions for the execution of the order for the Fuehrer but on the directive itself they had no influence, they did not get to see it before. May I say one more thing about that? I have been accused by the prosecution that I used my influence on the Fuehrer, not for only ethical reasons, but that I had tried in a cynical way, first, to take care of the trouble against England and then to jump into Russia. I have said before already that I told all my reasons to the Fuehrer whenever I had the chance but that I could do that neither in a public meeting in the presence of other people nor that I could write that into my war diary, because the eventual harsh words which were in there should not become known to other people through this entry into the war diary but beyond that, I would like to say and I want to point to document C-170, US-136, which is dated the 25th of August 1936 until the 22nd of June 1940, and is a list, a compilation of many excerpts from the war diary of the naval war command, SKL and from my minutes of conferences with Hitler, in which the Russian question was dealt with, this is not a literal reporduction of my statements or an accurate excerpt word for word in the war diary but a summary of a large excerpt by Assmann (?). I should not like to read details from these many entries but I should only like to point out that just this document, C-170 shows in a large number of entries contained therein, that since the beginning of the war, in 1939, I continuously used my influence on the Fuehrer and in that direction, that a good relation to Russia should be achieved, for the reasons which I have previously mentioned. It would lead us too far if I would start quoting several entries here by the document, I would like to emphasize, that is quite convincing.

Q The directive 21, which is signed by Hitler, Keitel and Jodl, you had nothing to do with that, did you?

A In no way.

Q But then after that, according to the directive, you executed some preparations.

A Yes. We had the first conference in January, as can be seen from one of these entries in C-170, and we had reported to the Fuehrer on the 4th of February about our intentions. The Navy then in March began with certain preparations.

You said already before, that the Navy all throughout was not concerned with major operations but only with the cutting off of the Gulf of Finland. I don't know whether that is in directive 21 or in some other place. Upon my urgent request the Fuehrer had ordered that the center of gravity of the naval warfare should be in the direction of England. Consequently, we could use only small forces, relatively small forces, for the war against Russia.

THE PRESIDENT: Dr. Siemers, perhaps we had better adjourn. The Tribunal rather understood that you hoped to finish by mid-day today. We realize that you had two hours of today taken up with your documents, but when do you think you will be able to finish now?

DR. SIEMERS: I believe that I will need only about three quarters of an hour, between one half hour and an hour.

THE PRESIDENT: Tomorrow at 10-00 o'clock we shall deal with the documents of Seyss-Inquart, and we are told that will only last 30 minutes.

(The Tribunal adjourned until 18 May 1946, at 1000 hours.)

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ERRATA SHEET

for transcript 17 May, Afternoon.

STRIKE OUT THE FIRST LINE ON PAGE 9855, which reads:

"and what justification he had."

ON THE SECOND LINE OF THE SAME PAGE, ADD:

"Q" Having it read in entirety,

Q I ask you to explain these words to us in such a way as you understand them.